



REC Networks / REC ネットワーク
J1 Radio/J1 ラジオ
11541 Riverton Wharf Rd
Mardela Springs, MD 21837
+1 202 621-2355
<http://www.recnet.com>
<http://www.J1FM.tokyo>

Michelle ("Michi") Bradley
太田道子
Founder of REC/Director of J1 Radio
REC 代表取締役
J1 ラジオ ディレクター
mae@recnet.com

October 26, 2017

Lisa M. Fowlkes
Bureau Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

In the matter of: EB Docket 04-296

Motion for blanket waiver or in the alternate, extension of time.

Ms. Fowlkes:

I am writing you with concerns regarding an upcoming deadline for EAS participants to submit to their State Emergency Communications Coordinators (SECCs) information related to any actions taken by the EAS participant to make EAS content available in languages other than English and a description of any future actions planned by the EAS Participant in consultation with state and local emergency authorities, to provide EAS alert information in languages other than English.¹

Upon reviewing the record, I have noticed that the Low Power FM (LPFM) broadcast service was not well represented in this proceeding.²

Unlike other broadcast services that originate programming, LPFM stations do not have the regulatory requirements that full-service broadcast stations, MVPDs and other participant

¹ - See *Review of Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief; Randy Gehman Petition for Rulemaking*, Small Entity Compliance Guide, DA17-770, 32 FCC Rcd 6559 (OCBO, August 15, 2017) ("Compliance Guide").

² - See *Review of the Emergency Alert System*, Order, 31 FCC 2414 (PSHSB, March 30, 2016). ("EAS Order")

entities have.³ Unlike the other broadcast services, a majority of LPFM stations are operated by small churches and ministries while others are operated by corporations formed by a small group of people to launch a radio station for their community as well as those that are operated by organizations that were involved with other causes before adding broadcasting to their educational programming.⁴ In addition, approximately 10% of LPFM stations are operated by public sector agencies including state, county, tribal and municipal governments as well as school districts, colleges and universities.⁵ A considerable number of LPFM stations, especially in the micro-radio segment are generally operated by one or two persons who handle all station operations. In addition, Commission rules require that no entity can hold more than one LPFM license and cannot own any other content-originating broadcast services.⁶ Therefore, virtually all LPFM stations are single-station small operations.⁷

Unlike other broadcast services and other EAS participants, LPFM is not represented by any single national membership organization. As a very segmented service, a few LPFM stations may be members of national organizations such as the National Federation of Community Broadcasters (NFCB) and a few have reported to me that they are members of their state broadcaster's associations for which I encourage all LPFM stations to join.

Since the passing of the Local Community Radio Act of 2010 (LCRA)⁸ and the subsequent downsizing of various advocacy organizations after the LCRA was implemented, my organization, REC Networks (REC) has become one of the few remaining primary advocates for LPFM from a policy perspective.⁹ REC does not have any attorneys on staff and REC is not a membership organization.

³ - See 47 C.F.R. §73.801 for a listing of general broadcast rules that apply to LPFM stations. Most notably, LPFM stations do not have a public file requirement nor are they required to file any form of ownership report. LPFM stations do not have a community of license coverage requirement nor are LPFM stations subject to the "307(b)" evaluations to assure fair, efficient and equitable distribution of radio service. Instead, LPFM stations, like FM translators are a secondary service subject to displacement at any time by a primary FM broadcast service that is subject to reviews under 47 U.S.C. §307(b).

⁴ - See Appendix, *The Six Segments of LPFM Stations*.

⁵ - *Id.*

⁶ - See 47 C.F.R. §73.860(a) and 47 C.F.R. §73.855(a).

⁷ - LPFM stations operated by government agencies and non-government organizations with a public safety purposes may operate multiple LPFM stations within the agencies jurisdiction and tribal entities may operate up to two LPFM stations. See 47 C.F.R. §73.860(a) and (c).

⁸ - Pub L. 111-371, 124 Stat. 4072 (2011).

⁹ - Prometheus Radio Project is still active with two volunteers and still engages in some LPFM policy issues but focuses mainly on engineering and station building.

I note that the *Compliance Guide*, while released on August 15, 2017, did not appear in any *Daily Digest* publication in any edition from August 15 through September 1. Most single-station LPFM organizations depend on the *Daily Digest* and the LPFM page at the Media Bureau¹⁰ to be informed of policy related communications from the Commission. They don't subscribe to the *Federal Register*, *FCC Record* or other legal publications.¹¹

Unlike most other program originating broadcast services, LPFM stations are not required to have encoding capability, just the ability to decode EAS messages.¹² With that said, LPFM stations are very much at the end of the EAS chain and have no say what comes from their designated LP-1 & LP-2 stations and from IPAWS. Many of these stations operate unattended for a good portion of the day, especially those in the faith-based segment which run a satellite radio service nearly 24 hours a day.¹³ While there are some LPFM stations that are engaged with their local community including first responder agencies, a large very majority of LPFM stations are currently not at that point.

Due to the regulatory nature of the LPFM service, the operational nature of LPFM stations and the distraction of the parallel Nationwide EAS Test (which was much more publicized than this proceeding), REC is asking for the following relief:

Because of the fact that LPFM stations do not encode EAS messages and therefore would have no true impact on the languages used on alert messages, we are asking that all LPFM stations be exempt from the mandatory notification to the SECCs on or before November 6, 2017. If an LPFM station wishes to voluntarily submit this information to their SECC, they should be able to. As LPFM stations are at the end of the chain, they do not have the same influence as stations and other participants that are more likely to originate alerts. In the alternate, I am asking for a blanket extension of 30 days for LPFM stations to comply with this order and to make their statement to their SECC. Even with an extension, I cannot guarantee a high rate of compliance as REC and other advocates can't reach all LPFM stations due to the segmentation in the service as well as the massively limited resources that nearly all LPFM stations have.

¹⁰ - <https://www.fcc.gov/media/radio/lpfm>

¹¹ - On October 26, 2017, I conducted an informal poll on the two most popular Facebook support groups that reach LPFM stations mainly in the Cause-Based, Community Media and Micro Radio segments. In that polling, it has been determined that nearly all of the LPFM stations responding to the poll was never made aware of this order. The awareness of the National EAS Test by LPFM stations is much greater.

¹² - See 47 C.F.R. §11.11(a) at Table 1. We note that Class D FM broadcast stations, LPTV stations and MVPDs with less than 5,000 subscribers also do not have an encoding requirement however, LPFM stations are unique as they do not necessarily permit multiple ownership (See footnotes 6 & 7). Because of the service's unique nature, we are limiting this request to LPFM stations.

¹³ - 47 C.F.R. §73.801 cross references §73.1300 which relates to unattended station operation applies to LPFM.

§1.925 of the rules states that the Commission may grant a waiver if it is shown that the underlying purpose of the rule(s) would not be served or would be frustrated by application in the instant case, and that a grant of the requested waiver would be in the public interest or that in view of unique or unusual factual circumstances of the instant case, applications of the rules would be inequitable, unduly burdensome or contrary to the public interest.¹⁴ For a large majority of LPFM stations, this requirement is overly burdensome due to the utility nature of the LPFM service and the fact that LPFM stations do not originate EAS alerts compounded with the National EAS Test reporting Form Three due one week after this deadline.¹⁵

REC Networks (REC) values the EAS as an effective method of delivering emergency alerts at both a nationwide and at a local level and the ability for alerts to be delivered in languages other than English will only increase the value of the service and I am confident that LPFM stations are willing to support any reasonable changes made to EAS to accommodate alerts in languages other than English and those LPFM stations that serve Spanish and other non-English speaking communities would be more than willing to assure that their audiences have access to emergency alerts in their own language.

Because of the current nature of the LPFM service, the service's actual role in EAS and the lack of publicity by the Commission surrounding this proceeding that would most likely be seen by the individual small non-corporate organizations that are the licensees of virtually all LPFM stations, it is REC's position that a waiver of this reporting requirement by LPFM stations or in the alternate, an extension of time would be in the public interest and as such, REC is requesting such relief on behalf of the LPFM service as a whole.

I thank you for your time and consideration and I am available if you have any questions regarding this matter.

Respectfully submitted,

/S/

Michelle Bradley

Founder, REC Networks

202 621-2040 (*number only reachable by FCC employees calling from a 202-418 phone number*)

CC:

Michelle M. Carey, Bureau Chief, Media Bureau

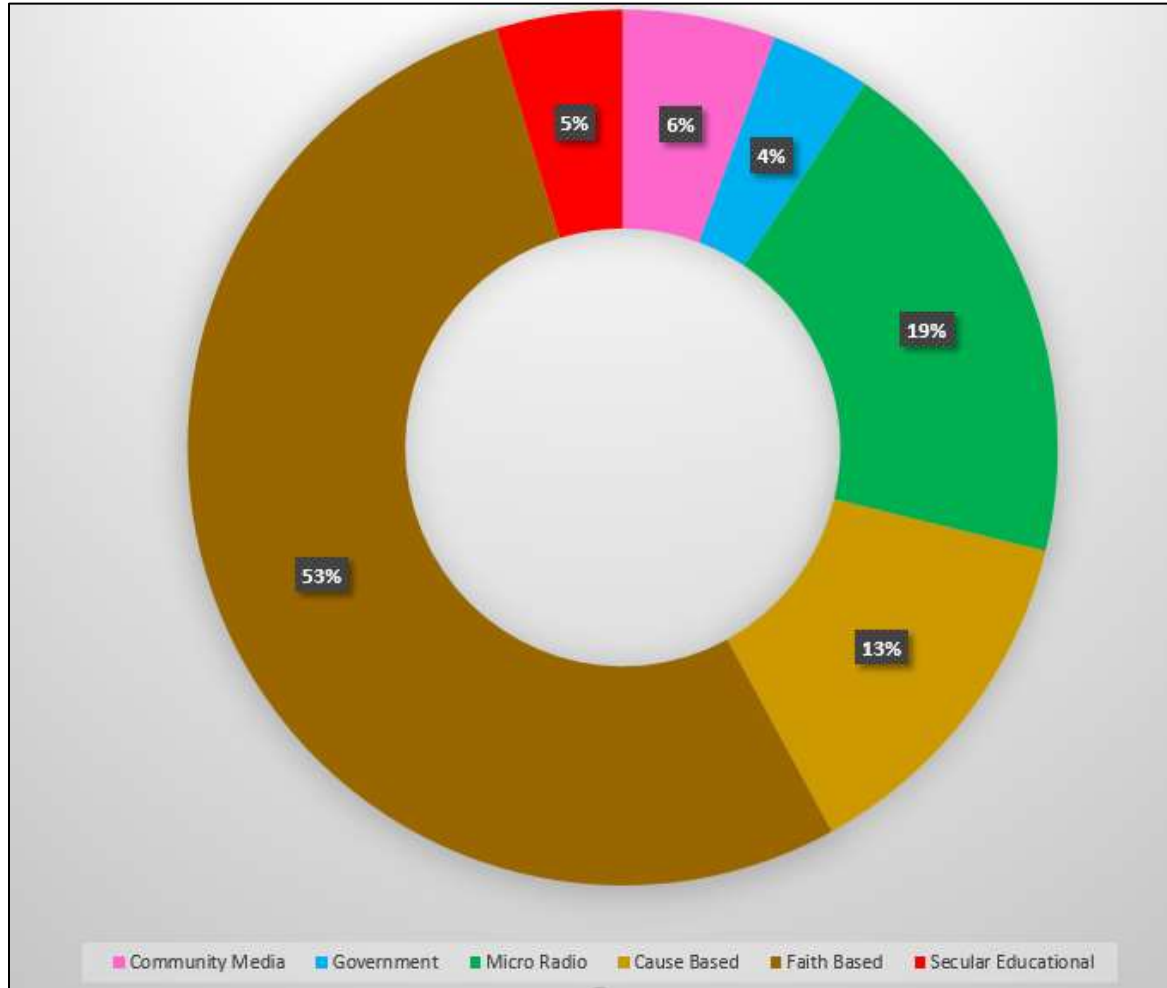
Ajit Pai, Chairman

¹⁴ - See 47 C.F.R. §1.925(b)(3).

¹⁵ - For the 2016 National EAS Test, there was a 69.7 percent participation by LPFM stations. Unlike this instant proceeding, the National EAS Test was much more highly publicized and supported through many Commission resources. See my letter to you dated April 24, 2017. In contrast, this instant requirement was buried 13 pages into a 34 page document (see *EAS Order* at 22) and the document that much more clearly outlined the expectation from EAS participants was not even publicized (see *Compliance Guide*).

Mingnon Clyburn, Commissioner
Jessica Rosenworcel, Commissioner

THE SIX SEGMENTS OF LPFM STATIONS



(based on a sample of 40% of all licensed LPFM stations)

COMMUNITY MEDIA (6%) – Organizations which at the time of application was involved with another media such as public access television, independent media center or internet streaming. More likely to have transparent governance and community involvement.

GOVERNMENT (4%) – LPFM stations operated by state, county, tribal and local government agencies. Many of these entities include also first-responder agencies.

MICRO RADIO (19%) – Organizations that were formed for the sole purpose of running the LPFM station. Day to day operations likely operated by one or two persons and likely will not have any transparent governance. Some stations in this segment are involved in their community.

CAUSE BASED (13%) – Existing non-profit organizations originally involved in activities other than community media that added an LPFM station to enhance their educational program. These are strong organizations with transparent governance and likely already have connections with first responder agencies.

FAITH-BASED (53%) – LPFM stations operated by churches, ministries and religious schools. Many stations are operated by small churches and ministries and some carry primarily satellite networks such as EWTN or 3ABN. Many stations have little or no community involvement.

SECULAR EDUCATIONAL (5%) – LPFM stations operated by public or private secular schools including K-12, colleges, universities and vocational centers.